

23 SEP 1976

MEMORANDUM FOR: General Counsel

FROM : John F. Blake
Deputy Director for Administration

SUBJECT : Use of Academicians as Guest Speakers

1. The Office of Training has encountered a serious problem arising from the use of academicians as guest speakers in training courses. The Office of General Counsel recently advised the Office of Personnel that payment for a guest speaker appearance by a professor or staff member of an educational institution should be arranged only after OTR staff have been assured by the prospective guest speaker that appropriate management officials of the institution concerned are aware of the proposed arrangement. Apart from the additional administrative burden involved in securing such assurances--approximately 125 academics were guest speakers in 1975--the OTR instructional staff believes that a substantial number of academicians who lecture in courses not only will be antagonized, but may develop unfavorable views toward the Agency or even refuse an invitation to speak.

2. In tracing the origin of Agency policy concerning relationships with academicians, we find that the ground rules appear to have been extended from what once involved "covert" relationships to include what is obviously an open and overt use of academicians as guest lecturers. As we understand it, the matter goes back to the Katzenbach Report of 29 March 1967. This report recommended:

"It should be the policy of the United States Government that no federal agency shall provide any covert financial assistance or support, direct or indirect, to any of the nation's educational or private voluntary organizations." (emphasis added)

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3. This recommendation was implemented within CIA through the development of "Guidelines for Contracting with U.S. Educational Institutions" which were approved by the DCI on 12 July 1967. The pertinent guideline is as follows:

"Consultant and other types of personal services contracts with professors or other staff members of educational institutions within the United States will be held to a minimum and employed only when necessary. Additionally, such contracts will, as a general rule, be made only after assurance is obtained that appropriate management officials of the institutions concerned are aware of the proposed relationships."

This guideline did not specify the term "covert," but it obviously applied to the Katzenbach Committee recommendation concerning covert assistance.

4. I bring to your attention the fact that Agency policy is set forth in the form of guidelines attached to a memorandum approved by the Director--not in the form of a duly authenticated Headquarters Regulation. Not only is the status of this form of policy statement different from a regulatory issuance, but it also explicitly provides for a flexible approach in the statement:

"It is felt that the Agency must retain some flexibility for contracting arrangements with academic institutions and this can be carefully monitored and accomplished within the policies and principles expressed in the Katzenbach Report."

The guidelines give to the Deputy Director for Support (now the Deputy Director for Administration) the authority to approve situations wherein the identity of CIA as the contractor with an academic institution is not revealed. By extension, I think a case can be made for similar authority concerning personal services contracts with professors of academic institutions. As a further sign of flexibility, the guidelines applicable to such personal services contracts specify that they will be made "as a general rule" only after assurance is obtained that appropriate management officials of the institutions concerned are aware of the relationship.

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5. Although the Memorandum of Oral Agreement executed by OTR and the provision of a monetary honorarium for the services received from the guest lecturer constitute a "contract," the situation is only a one-shot arrangement and does not involve a "relationship" as covered by the original Katzenbach Report. Finally, as the Director states in his letter of 4 May 1976 to Professor Van Alstyne of Duke, President of the American Association of University Professors:

"Occasionally such relationships are confidential at our request, but more often they are discreet at the scholar's request because of his concern that he will be badgered by those who feel he should not be free to make this particular choice."

6. In sum, in light of the above, I believe that OTR should not be required to seek assurances from professors or other academic personnel who lecture in training courses that they have advised appropriate higher officials of their institutions and I request your concurrence in this determination.

/s/ John F. Blake

John F. Blake

CONCUR:

See attached OGC opinion
General Counsel

9 Nov. 76
Date

Distribution:

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Encl. Subject

STATINTL

SUBJECT: Use of Academicians as Guest Speakers

ORIGINATOR:



Director of Training

21 SEP 1976

Date

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ACTION		DIRECT REPLY	PREPARE REPLY
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COMMENT		FILE	RETURN
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Remarks: <i>Academics as great speaks without getting approval of University higher officials</i>			
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